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Paper No. 11

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In re Application of :
SHUTIC et al. :
Application No. 09/888,679 :
Filed: June 25, 2001 :
Attorney Docket No. 11694/04112 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), which is being treated as 37 CFR 1.181, filed September 26, 2003, to withdraw the holding of abandonment.

The petition is **granted**.

This application became abandoned for failure to respond to the Restriction Requirement mailed on February 11, 2003, which set a shortened statutory period of one (1) month to reply. Accordingly, this application became abandoned on March 12, 2003. The present petition precedes the mailing of a Notice of Abandonment.

Petitioners assert that the delay was caused by nonreceipt of the Restriction Requirement of February 11, 2003. In support of petitioners' assertions of nonreceipt of the Restriction Requirement, petitioners submitted a statement from practitioner, Douglas B. McKnight, stating that he searched the file jacket and docket records and determined that the Office action was not received. Additionally, petitioners submitted a statement from Tammy Bunch, the docket clerk, setting forth the procedure of docketing communications from the United States Patent and Trademark Office, as well as descriptions of the events regarding the nonreceipt of the Restriction Requirement. Ms. Bunch included a copy of the docket records, which reflected where the Restriction Requirement would have been entered had it been received.

Based on the facts as set forth in the petition, the holding of the abandonment is **withdrawn**. Accordingly, no petition fee is required. The \$110.00 petition fee will be refunded to Deposit Account No. 03-0172.

The application file is being forwarded to Technology Center 3700.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

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